

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Civil File No. 07-3859 (MJD/AJB)

RAFAL WANTUCH,

Defendant.

Lonnie F. Bryan, United States Attorney's Office, Counsel for Plaintiff.

Reynaldo A. Aligada, Jr., Office of the Federal Defender, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Findings of Fact, Conclusions of Law, and Recommendation of Magistrate Judge Arthur J. Boylan dated November 7, 2007. [Docket No. 10] Defendant Rafal Wantuch filed objections to the Findings of Fact, Conclusions of Law, and Recommendation stating that he does not dispute any of the Magistrate Judge's factual findings, but disagrees with the legal conclusion that the facts support a finding that he is in need of treatment. Wantuch also filed a letter stating that he would not be

ordering a transcript of the hearing before the Magistrate Judge. [Docket No. 13]

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Findings of Fact, Conclusions of Law, and Recommendation dated November 7, 2007.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Findings of Fact, Conclusions of Law, and Recommendation dated November 7, 2007 [Docket No. 10] is hereby **ADOPTED**.
2. The Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 [Docket No. 1] is **GRANTED**.
3. Mr. Wantuch is found to be suffering from a mental disease or defect for the treatment of which he is in need of hospitalization in a suitable psychiatric facility.
4. FMC-Rochester is a suitable facility at which to treat Mr. Wantuch's mental illness.
5. Mr. Wantuch is committed to the custody of the United States Attorney General.

6. The Attorney General shall hospitalize Mr. Wantuch for treatment of his mental disease or defect.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 7, 2008

s / Michael J. Davis
Judge Michael J. Davis
United States District Court